

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

CHAD BROWNE,

Plaintiff,

v.

TDCJ-CID CENTRAL CLASSIFICATION
OFFICE,

Defendant.

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CIVIL ACTION NO. 5:18-CV-00093-RWS

ORDER

The Plaintiff Chad Browne, an inmate of the Texas Department of Criminal Justice (“TDCJ”), Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of violations of his constitutional rights. This Court referred the case to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. The sole named Defendant is the TDCJ Central Classification Office in Huntsville, Texas.

TDCJ currently houses Plaintiff in the Telford Unit in New Boston, Texas. However, Plaintiff alleges that, prior to May 2018, he was housed in the Neal Unit in Amarillo, Texas, and was supposed to remain there for the rest of his life. According to Plaintiff, he was transferred to the Telford Unit while the Neal Unit underwent renovations. Plaintiff contends that another inmate from the Neal Unit could have been transferred to the Telford Unit instead of him. Upon being moved, Plaintiff asserted “I feel you are retaliating against me because of my past,” but did not elaborate further.

After review of the pleadings, the Magistrate Judge recommended the lawsuit be dismissed without prejudice for failure to state a claim upon which relief may be granted. Docket No. 11. The Magistrate Judge determined Plaintiff has no constitutionally protected liberty interest in remaining at any particular unit and the claim of retaliation was too vague and conclusory to set out a viable constitutional claim.


Plaintiff received a copy of the Report on April 18, 2019, but filed no objections thereto. Instead, on May 2, 2019, Plaintiff filed a “motion for compensation.” Docket No. 13. In this motion, Plaintiff stated he is willing to accept money instead of a transfer back to the Neal Unit. He expresses frustration that he believes he was lied to about staying at the Neal Unit. Plaintiff did not address the Magistrate Judge’s Report or any of the proposed findings and conclusions therein.

A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982), *overruled on other grounds by Douglass v. U.S. Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)). Further, findings to which no specific objections are made do not require *de novo* review; the Court need only determine whether the R&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and agrees with the Report of the Magistrate Judge. *See United States v. Raddatz*, 447 U.S. 667, 683 (1980) (“[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants, . . .’”) (quoting *Mathews v. Weber*, 23 U.S. 261, 275 (1976)). It is accordingly

ORDERED the Plaintiff's objections are overruled and the Report of the Magistrate Judge (Docket No. 11) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim upon which relief may be granted.

So ORDERED and SIGNED this 23rd day of July, 2019.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE